

REMARKS/ARGUMENT

Description of amendments

Claims 27, 31, 32, 34-37, 39-42, 44-47, 51-56, and 58-61 are now pending and under examination. Applicant has amended claims 27, 31, 32, 34, 35, 37, 39-42, 44, 45, 47, 51-54, 56, and 58-61; cancelled claims 26, 28-30, 33, 38, 43, 48-50, and 57; and rewritten claims 27, 31, 32, 34, 35, 37, 39, 40, 42, 44, 45, 47, 51-54, 56, 58, 59, and 61 in independent form. No new matter has been added.

Objections to the claims

The objections to claims 27, 28, 30-32, 36, 46, 50-52, and 55 have been overcome by claim amendments made in accordance with the Examiner's suggestions.

Rejection under 35 U.S.C. §112, second paragraph

Claims 41, 44-47, and 60 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended the claims to overcome the rejection.

Rejections under 35 U.S.C. §102

Claims 38 and 57 were rejected under 35 U.S.C. §102(b) as being anticipated by Seyler (U.S. Patent 4,700,981). Claims 38 and 57 were rejected under 35 U.S.C. §102(b) as being anticipated by Leslie (U.S. Patent 3,606,446). The cancellation of claims 38 and 57 renders these rejections moot.

Claims 38, 40, 57 and 59 were rejected under 35 U.S.C. §102(b) as being anticipated by Decker (U.S. Patent 4,371,743). Cancellation of claims 38 and 57 renders the rejection of these claims moot. For the following reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 40 and 59.

Applicant strongly disagrees with Examiner's reading of Decker. Regarding the limitation of claims 40 and 59 that a vehicle device is inserted (or insertable) into the opening

so as to cover the opening completely, the Examiner contended that Decker discloses a vehicle device (30) that is insertable into an opening (28) to cover the opening (28) completely. The Examiner further contended that this could be seen in Figure 2. Applicant has carefully reviewed Figure 2 of Decker and its description in the specification but could not find such disclosure. In fact, Figure 2 clearly shows that the vehicle device (30) does not completely cover the opening (28). As shown in Figure 2, the left side of the opening (28), where reference numerals 28 and 82 are located, is not covered at all. Further, if the opening (28) were to be covered completely by the vehicle device (30) when the device (30) is stored in the opening (28) as shown in Figure 2, the device (30) would not be able to pivot (about a hinge (50)), as shown in Figures 5 and 6 and described at column 2, lines 17-24, into the vertical access position shown in Figures 1 and 6. Therefore, it is clearly incorrect to state that Decker discloses a vehicle device (30) that is insertable into an opening (28) to cover the opening (28) completely.

Additionally, regarding the support arrangement of claims 40 and 59 that is engageable with an edge of the opening to limit the insertion of the fitting in the opening, the Examiner contended that Decker discloses a support arrangement (32, 38) that is engageable with an edge of the opening (28) to limit the insertion of the vehicle device (30) in the opening (28). The Examiner further contended that this could be seen in Figure 2. Applicant has carefully reviewed Figure 2 of Decker and the description of the frame (32) and latch (38) in the specification but could not find such disclosure. In fact, Figure 2 clearly shows that the frame (32) and latch (38) are not engaged with the edge of the opening (28). If the Examiner maintains this ground of the rejection, Applicant respectfully requests that the Examiner explains why the frame (32) and latch (38) can engage with an edge of the opening (28) to limit the insertion of the vehicle device (30) in the opening (28).

In conclusion, for any one of the above-discussed reasons, claims 40 and 59 cannot be anticipated by Decker.

Claims 38, 39, 42, 57, 58, and 61 were rejected under 35 U.S.C. §102(b) as being anticipated by Simonetti (U.S. Patent 5,813,288). Cancellation of claims 38 and 57 renders the rejection of these claims moot. For the following reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 39, 42, 58, and 61.

Simonetti discloses a steering column (20) that projects generally upwardly and rearwardly through an opening (22) in the instrument panel (24) (column 2, lines 17-35). The steering column (20) has a steering wheel (26) at its upper end. At the lower end, the steering column (20) is mounted pivotably at 32 for up and down movement of the steering wheel (26). The opening (22) is large enough to allow for full travel and tilt of the steering column (20).

Simonetti further discloses that in order to seal and close the space between the opening and the steering column, a boot (40) is provided (see Figure 11 and column 2, lines 30-32). The boot (40) is made of a flexible elastomeric material, such as natural or synthetic rubber (see column 2, lines 33 and 34).

This disclosure makes it very clear that the Examiner's reading of Simonetti is incorrect. The Examiner contended that Simonetti discloses a vehicle device (30) is insertable into the opening (22) to cover the opening (22). However, Figure 11 clearly shows that the housing (30) does not cover the opening (22). In fact, if the housing (30) did cover the opening (22), the steering column would not be able to pivot, and the steering wheel (26) would not be able to move up and down, as described in the specification.

The Examiner also contended that Simonetti discloses a support arrangement (30, 46) that is engageable with an edge of the opening (22) to limit the insertion of the vehicle device in the opening (22). Again, Figure 11 clearly shows that this is incorrect. In fact, Figure 11 shows that the housing (30) and its annular flange (46) do not and cannot contact, let alone engage with, the edge of the opening (22). As described in the specification, a flexible boot (40) is provided between the opening (22) and the steering column (20) (see Figure 11 and column 2, lines 30-32). This flexible boot (40), however, cannot limit the insertion of the steering column (20) in the opening (22).

In conclusion, for any one of the above two reasons, claims 39, 42, 58, and 61 cannot be anticipated by Simonetti.

Application No. 10/043,277

Reply dated May 4, 2004

Response to Office Action dated February 12, 2004

Rejections under 35 U.S.C. §103(a)

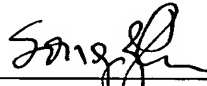
Claims 26, 28-30, 33, 43, and 48-50 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moore (U.S. Patent 5,934,745) in view of Tetens (U.S. Patent 2,186,277). Cancellation of the rejected claims renders the rejection moot.

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

A check in the amount of \$1,376.00 in payment of the additional claims fee is attached hereto. If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and any deficiency in fees should be charged or any overpayments should be credited to Deposit Account No. 05-1323 (CAM #: 095309.50754US).

May 4, 2004

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